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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)		
	09/756,863	YOSHIDA, TOYOHIKO		
Office Action Summary	Examiner	Art Unit		
	Aimee J. Li	2183		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period v  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 36(a). In no event, however, may a vill apply and will expire SIX (6) MO , cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).		
Status				
1) Responsive to communication(s) filed on 11 December 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal mat	• •		
Disposition of Claims				
4) ⊠ Claim(s) 1-12,14,16,18 and 19 is/are pending i 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1-12,14,16,18 and 19 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.			
Application Papers		•		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b)  objected to drawing(s) be held in abeya ion is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.				
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No	Summary (PTO-413) s)/Mail Date nformal Patent Application		

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#### **DETAILED ACTION**

1. Claims 1-12, 14, 16, and 18-19 have been considered.

- 2. In view of the Appeal Brief filed on 11 December 2006, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.
- 3. To avoid abandonment of the application, appellant must exercise one of the following two options:
  - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.
- 4. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1-5, 12, 14, 16, and 18-19 are rejected under 35 U.S.C. 102(a) as being taught by Soni, European Patent Application EP 1 006 438 A1 (herein referred to as Soni).

- 7. Referring to claims 1 and 12, taking claim 12 as exemplary, Soni has taught an instruction memory attached with a translator, used with a processor configured to execute instructions in a first instruction architecture as a native instruction, comprising:
  - a. An instruction storage unit to store an instruction in a second instruction architecture (Soni paragraph 0034 "...the microprocessor instruction is fetched from instruction cache 40 and placed in instruction streaming buffer 53..." and Figure 3); and
  - b. An instruction translator to translate an instruction in said second instruction architecture output from said instruction storage unit into an instruction in said first instruction architecture for application to said processor, wherein said processor is configured to execute instructions only in said first instruction architecture (Soni paragraph 0009 "...a microprocessor to fetch and decode that instruction into associated RISC micro-operations and store the micro-ops..."; paragraph 0035 "...between on and three instructions are submitted to decoders 45, 46, 47 for translation into micro-ops..."; and Figure 3);
  - c. Said instruction translator including:
    - i. A translator to read out the instruction in said second instruction architecture from said instruction storage unit in response to a received first address of an instruction to be executed by said processor (Soni paragraph 0049 "...Also, shown is address and comparison logic 102..."

and Figure 4) and translate the read out instruction in said second instruction architecture into the instruction in said first instruction architecture (Soni paragraph 0009 "...a microprocessor to fetch and decode that instruction into associated RISC micro-operations and store the micro-ops..."; paragraph 0035 "...between on and three instructions are submitted to decoders 45, 46, 47 for translation into micro-ops..."; and Figure 3);

- ii. An instruction cache to temporarily hold the instruction in said first instruction architecture after the translation by said translator in association with the first address (Soni paragraph 0037 "...The decoded instruction queue can hold up to six (6) micro-ops..."; paragraph 0040 "...Decoded instruction queue 49 is interconnected to parcel cache 52 such that decoded instructions (parcels) can be loaded from queue 49 into parcel cache 52..."; and Figure 3); and
- iii. A selector to search said instruction cache in response to a received second address of an instruction to be executed by said processor and selectively output to said processor (Soni paragraph 0011 "...The parcel cache is coupled to the microprocessor fetch/decode unit and can be searched during an instruction fetch cycle..."; paragraph 0049 "...Address translation and comparison logic 102 includes a translation lookaside buffer (TLB) that translates the 32 bit linear address into a 36-bit physical memory address..."; paragraph 0055 "...parcel cache 52 includes address

translation and compare logic 112 similar to logic 102 and 107 in the instruction cache and BTB, respectively. This will allow the parcel cache to be looked up (searched)..."; and Figure 4), based on a determination result of whether or not an instruction corresponding to the instruction of the address is held in said instruction cache, an instruction output by said translator or the corresponding instruction in said first instruction architecture held in said instruction cache (Soni paragraph 0011 "... When a parcel(s) corresponding to the complex microprocessor instruction being fetched is found in the parcel cache a hit occurs and the corresponding micro-ops are then provided to the execution units..."; paragraph 0035-0039 "... After RAT/ROB unit 51 the micro-ops are provided to reservation station 50 and sent to the execution units for processing..."; paragraph 0040 "... When a 'hit' occurs on the parcel cache 52, the parcel is then provided to reservation station 50..."; and Figure 3).

- 8. Claim 1 has similar limitations to claim 12 and is rejected for similar reasons.
- 9. Referring to claim 2, Soni has taught the instruction translator according to claim 1, wherein said second instruction architecture is a variable length instruction architecture, and said translator includes a variable length translator for translating an instruction in said second instruction architecture read out from said instruction memory into one or more instructions in said first instruction architecture, the number of which depends on an instruction length of the read out instruction in said second instruction architecture (Soni paragraph 0004 "...instructions in the Intel ISA are complex..." and paragraphs 0007-0009 ...a microprocessor to be able to

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fetch a complex instruction and decode that instruction into associated RISC micro-operations and store the micro-ops...").

- 10. Referring to claim 3, Soni has taught the instruction translator according to claim 2, wherein said variable length translator translates the instruction in said second instruction architecture read out from said instruction memory into an instruction in said first instruction architecture having a total length depending on and larger than the instruction length of said read out instruction in said second instruction architecture (Soni paragraphs 0035-0036 "...decoder 0 is a complex decoder that can decode any instruction not greater than seven bytes and that translates into no more than four micro-ops...Some instructions translate into more than four micro-ops..." and Figure 3).
- 11. Referring to claim 4, Soni has taught the instruction translator according to claim 3, wherein each instruction in said first instruction architecture includes one or a plurality of sub instructions, and the number of the sub instructions included in the instruction in the first instruction architecture translated by said variable length translator depends on the instruction length of said read out instruction in said second instruction architecture (Soni paragraphs 0035-0036 "...decoder 0 is a complex decoder that can decode any instruction not greater than seven bytes and that translates into no more than four micro-ops...Some instructions translate into more than four micro-ops..." and Figure 3).
- 12. Referring to claim 5, Soni has taught the instruction translator according to claim 1, wherein said translator includes a plurality of translators which translate a plurality of instructions in said second instruction architecture read out from said instruction memory into one instruction in said first instruction architecture (Soni paragraphs 0035-0036 "...decoder 0 is

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a complex decoder that can decode any instruction not greater than seven bytes and that translates into no more than four micro-ops...Some instructions translate into more than four micro-ops..." and Figure 3).

- 13. Referring to claim 14, Soni has taught the instruction memory attached with a translator according to claim 12, further comprising an address translator to translate an address at the time of reading from said instruction storage unit (Soni paragraph 0049 "...Also, shown is address and comparison logic 102..." and Figure 4).
- 14. Referring to claim 16, Soni has taught a data processing apparatus, comprising:
  - a. A processor operating with an instruction in a first instruction architecture as a native instruction (Soni paragraph 0004 "...instructions in the Intel ISA are complex..." and paragraphs 0007-0009 ... a microprocessor to be able to fetch a complex instruction and decode that instruction into associated RISC microperations and store the micro-ops...");
  - b. A bus to which said processor is connected (Soni paragraph 0013 "...A central processing unit (CPU) 10...is provided and interconnected to the various components by system bus 12..."; Figure 1; and Figure 3 In regards to Soni, there are multiple buses within the system. The first bus is bus 12 shown in Figure 1, which is the external bus connecting the CPU to all peripherals. The other buses are found within CPU 10 connecting all the elements within CPU 10 and are show by the arrowed lines in Figure 3.);
  - c. A first instruction memory (Soni paragraph 0034 "...the microprocessor instruction is fetched from instruction cache 40 and placed in instruction

streaming buffer 53..." and Figure 3) with a translator interconnected with said processor through said bus (Soni paragraph 0009 "...a microprocessor to fetch and decode that instruction into associated RISC micro-operations and store the micro-ops..."; paragraph 0035 "...between on and three instructions are submitted to decoders 45, 46, 47 for translation into micro-ops..."; and Figure 3); and

- d. A second instruction memory interconnected to said processor through said bus

  (Soni paragraph 0037 "...The decoded instruction queue can hold up to six (6)

  micro-ops..."; paragraph 0040 "...Decoded instruction queue 49 is interconnected

  to parcel cache 52 such that decoded instructions (parcels) can be loaded from

  queue 49 into parcel cache 52..."; and Figure 3), said first instruction memory

  with a translator including:
  - i. A first instruction storage unit to store an instruction in a second instruction architecture transferred from said processor through said bus (Soni paragraph 0034 "...the microprocessor instruction is fetched from instruction cache 40 and placed in instruction streaming buffer 53..." and Figure 3); and
  - ii. An instruction translator to translate the instruction in said second instruction architecture output from said first instruction storage unit into an instruction in said first instruction architecture for application to said processor through said bus (Soni paragraph 0049 "...Also, shown is address and comparison logic 102..." and Figure 4) and translate the read

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out instruction in said second instruction architecture into the instruction in said first instruction architecture (Soni paragraph 0009 "...a microprocessor to fetch and decode that instruction into associated RISC micro-operations and store the micro-ops..."; paragraph 0035 "...between on and three instructions are submitted to decoders 45, 46, 47 for translation into micro-ops..."; and Figure 3), and

- iii. Said second instruction memory including:
  - (1) A second instruction storage unit to store an instruction in said first instruction architecture transferred from said processor through said bus (Soni paragraph 0037 "...The decoded instruction queue can hold up to six (6) micro-ops..."; paragraph 0040 "...Decoded instruction queue 49 is interconnected to parcel cache 52 such that decoded instructions (parcels) can be loaded from queue 49 into parcel cache 52..."; and Figure 3); and
  - applied from said processor through said bus for applying an instruction in said first instruction architecture output from said second instruction storage unit to said processor through said bus (Soni paragraph 0011 "...The parcel cache is coupled to the microprocessor fetch/decode unit and can be searched during an instruction fetch cycle..."; paragraph 0049 "...Address translation and comparison logic 102 includes a translation lookaside buffer

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(TLB) that translates the 32 bit linear address into a 36-bit physical memory address..."; paragraph 0055 "...parcel cache 52 includes address translation and compare logic 112 similar to logic 102 and 107 in the instruction cache and BTB, respectively. This will allow the parcel cache to be looked up (searched)..."; and Figure 4).

- 15. Referring to claim 18, Soni has taught the data processing apparatus according to claim 16, wherein the number of clock cycles spent by said processor to access said first instruction memory through said bus is larger than the number of clock cycles spent by said processor to access said second instruction memory through said bus (Soni paragraph 0004 "...Hence, the complexity of x86 instructions puts a large burden on the front end of the processor pipeline with respect to logic complexity, timing and number of pipeline stages..."; paragraph 0011 "...In this manner, the present invention improves performance by minimizing the amount of hardware resources (i.e. fetch/decode logic) utilized while maintaining compatibility..."; and Figure 3).
- 16. Referring to claim 19, Soni has taught the data processing apparatus according to claim 16, further comprising a third instruction memory with a translator interconnected to said processor through said bus, said third instruction memory with a translator including:
  - a. A third instruction storage unit to store an instruction in a third instruction architecture different from said second instruction architecture, said instruction in said third instruction architecture being transferred from said processor through said bus (Soni paragraph 0037 "...The decoded instruction queue can hold up to six (6) micro-ops..."; paragraph 0040 "...Decoded instruction queue 49 is

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interconnected to parcel cache 52 such that decoded instructions (parcels) can be loaded from queue 49 into parcel cache 52..."; and Figure 3); and

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b. An instruction translation circuit responsive to an address signal applied from said processor through said bus, for translating an instruction in said third instruction architecture output from said third instruction storage unit into an instruction in said first instruction architecture for application to said processor (Soni paragraph 0011 "...The parcel cache is coupled to the microprocessor fetch/decode unit and can be searched during an instruction fetch cycle..."; paragraph 0049 "...Address translation and comparison logic 102 includes a translation lookaside buffer (TLB) that translates the 32 bit linear address into a 36-bit physical memory address..."; paragraph 0055 "...parcel cache 52 includes address translation and compare logic 112 similar to logic 102 and 107 in the instruction cache and BTB, respectively. This will allow the parcel cache to be looked up (searched)..."; and Figure 4).

## Claim Rejections - 35 USC § 103

- 17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 18. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soni,European Patent Application EP 1 006 438 A1 (herein referred to as Soni) as applied to claim 1

above, and further in view of Goettelmann et al., U.S. Patent No. 5,313,614 (herein referred to as Goettelmann).

- 19. Regarding claim 6, Soni has not explicitly taught wherein:
  - a. Each instruction in said first instruction architecture can include one or a plurality of sub instructions,
  - b. Said translator translates a plurality of instructions in said second instruction architecture read out from said instruction memory into an instruction in said first instruction architecture including sub instructions, the number of which depends on the number of said plurality of instructions.
- 20. Goettelmann has taught the translation from a source instruction architecture (Goettelmann, "source machine code" of Fig.11) into a native instruction architecture (Goettelmann, "translated code" of Fig.11), wherein the native architecture contains a plurality of sub-instructions (Goettelmann, "expanded intermediate language code" of Fig.11), sub-instructions which can then be removed if necessary in order to reduce the translated code size (Goettelmann, Col.4 lines 6-18). One of ordinary skill in the art would have recognized that it is desirable to reduce the size of instruction code so that less hardware (memory space) is needed, thus lowering costs. Therefore, one of ordinary skill in the art would have found it obvious to modify the instruction translator of Soni to further translate instructions from a source architecture into a native architecture that includes a plurality of sub-instructions in order to reduce the amount of instruction storage required to store the translated code. Furthermore, because the number of native instructions are dependent on the length of the varying-length source instruction as shown above, and because the number of sub instructions depend on the

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native instructions, then the number of sub-instructions depend on the length of the source instructions.

- 21. Regarding claim 7, Soni in further view of Goettelmann have taught wherein the number of sub instructions included in the instruction in said first instruction architecture after said translation is equal to the number of said plurality of instructions (see Goettelmann "BEQ Label instruction" of "source machine code", its corresponding "BFALSE FlagZ, Label" instruction of "translated code", with associated sub-instruction "BFALS.d FlagZ, Label" of "expanded intermediate language code", all of Fig.11).
- 22. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soni, European Patent Application EP 1 006 438 A1 (herein referred to as Soni) as applied to claim 1 above, and further in view of Gregor, U.S. Patent No. 5,023, 776 (herein referred to as Gregor).
- 23. Referring to claim 8, Soni has taught The instruction translator according to claim 1, wherein said translator translates said read out instruction in said second instruction architecture into one or a plurality of instructions as the instruction in said first instruction architecture (Soni paragraphs 0035-0036 "...decoder 0 is a complex decoder that can decode any instruction not greater than seven bytes and that translates into no more than four micro-ops...Some instructions translate into more than four micro-ops..." and Figure 3). Soni has not taught said instruction translator further comprises a controller for controlling said instruction cache so that said instruction cache holds each of said one or said plurality of instruction held in said instruction cache as an entry which can be invalidated in one of first and second conditions. Gregor has taught the holding of a cache line within a cache so that it cannot be replaced until an EOP signal is detected in order to reduce cache busy time and improve processor performance (Gregor,

Col.22 lines 36-67). One of ordinary skill in the art would have recognized that it is desirable, as well as a main goal of microprocessor design, to improve the performance of a microprocessor. Therefore, one of ordinary skill in the art would have found it obvious to modify the cache of Emma in view of IBM to hold a plurality of instructions in a cache until an EOP signal is detected. Furthermore, because the claim language is in the alternative format, only one of the two invalidation condition requirements is required to be met, and thus the EOP signal that is detected (Gregor, Col.22 lines 56-57) can be considered such a signal.

- 24. Referring to claim 10, Soni in further view of Gregor has taught wherein said controller outputs a signal asserted when a new instruction cannot be held in said instruction cache without invalidating an entry which can be invalidated in the second condition (Gregor, Col.22 lines 36-67).
- 25. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soni, European Patent Application EP 1 006 438 A1 (herein referred to as Soni), in further view of Gregor, U.S. Patent No. 5,023, 776 (herein referred to as Gregor), as applied to claim 8 above, and further in view of Schacham et al., U.K. Patent Application GB220481A (herein referred to as Schacham).
- 26. Referring to claim 9, Soni in further view of Gregor has taught wherein said first condition is a holding control condition by hardware control based on a prescribed algorithm by said instruction cache (Gregor, Col.22 lines 36-67). Soni in further view of Gregor has not taught wherein the said second condition is a condition in which an explicit invalidation instruction is applied from the outside of said instruction cache. However, in the parent claim of claim 9, only one of the two invalidation conditions must be met. Therefore, because Soni in

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further view of Gregor has satisfied one of the conditions, namely the holding control condition as shown above, the claim language is satisfied. Furthermore, even though the alternative form claim language is met, Schacham has taught that a cache invalidation instruction can be executed to invalidate the entire instruction cache or a portion of it (Schacham, p.4 lines 28-30) in order to maintain proper cache coherence and provide better processor performance (Schacham, p.2 lines 8-23). One of ordinary skill in the art would have recognized that it is desirable, as well as a main goal of microprocessor design, to improve the performance of a microprocessor.

Therefore, one of ordinary skill in the art would have found it obvious to modify the instruction cache of Soni in further view of Gregor to allow a cache invalidation instruction to be executed so that cache coherency is maintained and processor performance is improved.

27. Referring to claim 11, Soni in further view of Gregor has taught the instruction translator according to claim 8, wherein said translator translates the read out instruction in said second instruction architecture into the plurality of instructions as the instruction in said first instruction architecture (Soni paragraphs 0035-0036 "...decoder 0 is a complex decoder that can decode any instruction not greater than seven bytes and that translates into no more than four microops...Some instructions translate into more than four micro-ops..." and Figure 3). Soni in further view of Gregor has not taught said controller provides said first condition with one of said plurality of instructions and said second condition with each of said plurality of instructions but said one instruction. Schacham has taught that a cache invalidation instruction can be executed to invalidate the entire instruction cache or a portion of it (Schacham, p.4 lines 28-30) in order to maintain proper cache coherence and provide better processor performance (Schacham, p.2 lines 8-23). One of ordinary skill in the art would have recognized that it is

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desirable, as well as a main goal of microprocessor design, to improve the performance of a microprocessor. Therefore, one of ordinary skill in the art would have found it obvious to modify the instruction cache of Soni in further view of Gregor to allow a cache invalidation instruction to be executed so that cache coherency is maintained and processor performance is improved. Furthermore, Soni in further view of Gregor in view of Schacham has taught the invalidation of instructions in a cache based upon one of two conditions, namely a holding control condition as taught by Gregor, and a cache invalidation instruction as taught by Schacham. One of ordinary skill in the art would have recognized that because some instructions will have the first condition associated with them, and others will have the second condition associated with them. Therefore, one of ordinary skill in the art would have found it obvious that the processor of Soni in further view of Gregor further in view of Schacham will provide one

### Response to Arguments

instruction with a first condition, and other instructions with a second condition.

Applicant's arguments, see Appeal Brief, filed 11 December 2006, with respect to the rejection(s) of claim(s) 1-12, 14, 16, and 18-19 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the above rejection.

#### Conclusion

- 29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Soni, U.S. Patent Number 6,223,254, is the related U.S. Patent to the European Patent used in the above rejection.

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30. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aimee J. Li whose telephone number is (571) 272-4169. The

examiner can normally be reached on M-T 7:00am-4:30pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aimee J Li Examiner Art Unit 2183

15 April 2007

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